

## Article - Alcoholic Beverages

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§26–1103.

(a) This section does not apply to a license holder that seeks to provide entertainment if:

(1) the license of the license holder is issued under § 26–1003, § 26–1006, § 26–1008, § 26–1009, § 26–1010, § 26–1011, § 26–1014, § 26–1015, § 26–1016, § 26–1018.1, or § 26–1616(h) of this title; or

(2) the license is a veterans or fraternal Class C license and the license holder provides entertainment that:

(i) is under the direct supervision of the license holder;

(ii) is for adults, children, and families of the organization or the public; and

(iii) when offered, ends not later than midnight.

(b) There is an entertainment permit.

(c) The Board may issue the permit to a holder of a Class B (on-sale) license in accordance with this section.

(d) (1) (i) Subject to subparagraph (ii) of this paragraph, the permit authorizes the permit holder to impose a cover charge, offer facilities for patron dancing, and provide entertainment.

(ii) The permit holder shall comply with all requirements under county law, including zoning and use and occupancy laws.

(2) The Board shall determine the number of days in a week that a permit holder may exercise the privileges of the permit.

(3) The permit is in effect from 9 p.m. to 2 a.m. the following day.

(e) Before being issued the permit, an applicant shall:

(1) submit evidence to the satisfaction of the Board that:

(i) the applicant holds a Class B (on-sale) license;

(ii) there are no unpaid taxes due from the applicant to the State, the county, or a municipal corporation; and

(iii) the applicant meets all other requirements for the permit;

and

(2) (i) develop a security plan to prevent the premises for which the permit is sought from posing a threat to the peace and safety of the surrounding area; and

(ii) submit the plan for review to the Board and the Chief of the County Police Department.

(f) (1) The Chief of the County Police Department may submit comments to the Board on the adequacy of the security plan within 30 days after receipt of the security plan.

(2) The Board shall consider the comments, if any, of the Chief of the County Police Department and subsequently issue the permit, refuse to issue the permit, or condition the issuance of the permit on changes to the security plan.

(3) If the Board issues the permit with a security plan that the Chief of the County Police Department does not support, the Board shall specify in writing to the Chief of the County Police Department the reasons why the Board has determined that the security plan is adequate.

(g) (1) Before issuing the permit, the Board shall hold a public hearing in accordance with the requirements for a public hearing on an application for a license under § 26-1511 of this title.

(2) At the public hearing, the Board shall give the applicant, supporters of the applicant, and opponents of the applicant an opportunity to be heard.

(3) In making its determination whether to approve the application and issue the permit, the Board shall consider whether:

(i) approval and issuance of the permit is necessary for the accommodation of the public;

(ii) the applicant is a fit person to receive the permit;

(iii) the applicant has made a material false statement in the application;

(iv) the applicant has committed any fraudulent act in connection with the application;

(v) the operation of the business, if the permit is issued, will unduly disturb the peace of the residents of the neighborhood where the place of business is located or to be located; and

(vi) there are any other reasons that justify the disapproval of the application or the refusal to issue the permit.

(4) The Board shall hold a similar public hearing on receipt of a petition to:

(i) revoke the permit; or

(ii) protest the renewal of the permit.

(h) The permit holder:

(1) shall implement and follow the approved security plan described under subsection (e)(2) of this section at all times when the permit holder exercises the privileges of the permit;

(2) when the privileges authorized by the permit are being exercised, may not allow an individual who is under the age of 21 years on the premises for which the permit is issued unless the individual is employed by or is an immediate family member of the permit holder; and

(3) may employ sworn security personnel as part of the security plan described under subsection (e)(2) of this section if the sworn security personnel have full police powers in the jurisdiction where the premises of the permit holder is located.

(i) The Board at any time may prohibit, condition, or restrict the type of entertainment offered by a permit holder, including lewd, exotic, loud, or raucous entertainment, if after a hearing the Board determines that the entertainment:

(1) adversely impacts or unduly disturbs the community; and

(2) is not conducive to the peace, health, welfare, or safety of the residents of the county.

(j) (1) Subject to paragraph (2) of this subsection, the Board may immediately suspend the permit if the Board reasonably believes that the permit holder:

(i) violated this section; or

(ii) is not in compliance with a county zoning property standard or use and occupancy requirement.

(2) If the Board immediately suspends a permit, the Board shall:

(i) give the permit holder notice of the suspension and a hearing on the suspension at which the permit holder may be heard and present evidence; and

(ii) hold the hearing within 30 days after the suspension is imposed.

(k) (1) At the hearing, the Board shall determine:

(i) whether the permit holder violated this section or other law; and

(ii) if a violation occurred, what penalty to impose among those listed in paragraphs (2) and (3) of this subsection.

(2) Subject to paragraph (3) of this subsection, if the Board finds that a person has violated this section or any other law, the Board:

(i) may revoke or continue the suspension of the permit; and

(ii) shall impose on the person a penalty of:

1. for a first offense, at least \$1,000 but not more than \$12,500; and

2. for each subsequent offense, at least \$5,000.

(3) The Board:

(i) shall revoke the permit of a person who the Board determines violated this section or any other law twice in 24 months; and

(ii) may not consider an application from the person for a new permit or an application for a new permit for the premises that was the subject of the revocation until at least 12 months after the order of revocation is issued.

(4) If the Board determines that the permit holder did not violate this section, the Board shall immediately reinstate the permit.

(l) (1) The circuit court may issue a temporary restraining order to immediately close to the public the entire operation of the premises if the county establishes that:

(i) the security plan described under subsection (e)(2) of this section has not been implemented; and

(ii) the public health, safety, or welfare requires emergency action.

(2) On issuance of a temporary restraining order under paragraph (1) of this subsection, the county shall give the permit holder written notice of and reasons for the closure.

(3) The permit holder promptly shall be given an opportunity for a hearing in circuit court on the granting of the temporary restraining order in accordance with Title 15, Chapter 500 of the Maryland Rules.

(m) The Board shall adopt regulations to carry out this section.

(n) The annual fee for the permit is \$1,500, which is in addition to the annual fee for the Class B license.

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